

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SE – Aided – Nellore District - Hon'ble High Court Orders dated: 05.03.2009 in W.P.No.25637/2003 filed by Smt.D.Suryakala Mukhi, Hindi Pandit, Gr.II Teacher in S.V.U.P. School, Alluripet, Nellore District - Smt.D.Suryakala Mukhi obtained Hindi Sikshak Prasikshan Certificate from Parlakamidi, Orissa State – Appointment as Hindi Pandit Gr.II – Orders – Issued.

EDUCATION (SE.PS.I) DEPARTMENT

G.O.Rt.No. 272

Dated: 28.05.2010

Read the following:

1. G.O.Ms.No.111 Education (SE.Ser.VI) Department, dated: 28.11.2007
2. DSE, Hyderabad Lr.No.764/B1-3/2008, dated: 30.12.2009

ORDER:

The Commissioner & Director of School Education, A.P., Hyderabad in the reference 2nd read above, has stated the following facts in respect of Smt. D. Suryakala Mukhi, Hindi Pandit, Gr.II SVUP School, Alluripet, Alluru, Nellore District.

2. Smt. D.Suryakala Mukhi of the one among the candidates who applied for the post of Hindi Pandit Grade.II in response to the paper advertisement. The above candidate possessed the following qualifications. B.A. (HPP) Vidvan pass certificate issued by the Hindi Prachara Sabha, Hyderabad Hindi Siksha Certificate passed from Parlakimidi Certificate in Orissa State. The Staff Selection Committee conducted written test and oral interview on 05.07.2003. All the Staff shall confirm to the qualifications prescribed by Government time to time as per Sub-rule 1 of Rule 12 of G.O.Ms.No.1, Education dated: 01.01.1994. The Commissioner & Director of School Education, Hyderabad in his Proc. dated: 10.09.2002 issued instructions to all the District Educational Officers in the state that “not to consider the candidates who have obtained the Shikshak Certificates from the Institutions located outside the Andhra Pradesh State for selection for the posts to Hindi Pandit Grade I & II, since the Institutions functioning under the Hindi Prachar Shabha, Hyderabad without having recognition from the State Government and N.C.T.C., Bangalore and Bhuvanewar. Hence, Smt. D.Suryakala Mukhi is not eligible to be considered for appointment as Gr.II Hindi Pandit as per the above instructions. However, the Correspondent has submitted proposals as per the resolution of the Staff Selection Committee for approval of the appointments made by them. Accordingly, the then District Educational Officer, Nellore approved selections made by the management including the candidature of Smt. D.Suryakala Mukhi for the post of Hindi Pandit Gr.II without following the instructions issued by the Director of School Education, Hyderabad. Accordingly, the management has issued appointment orders to all the candidates including Smt. D.Suryakala Mukhi. Smt. D.Suryakala Mukhi was joined duty as Hindi Pandit, Gr.II on 23.07.2003 in the above said School. The Correspondent has submitted proposals for releasing the salaries to the newly appointment teachers to the District Educational Officer, Nellore. At the time of releasing the salaries to the teachers, the then District Educational Officer has found that Smt. D.Suryakala Mukhi who is in possession of Shikshak Certificate of Parlakimidi is not eligible to hold the post of Gr.II Hindi Pandit as the above certificate is not recognition by the State Government or NCTC. There upon, the District Educational Officer, Nellore have issued orders duly cancelling the approval of appointment made in respect of above individual and requested the management to take further action in the matter. Accordingly, the Correspondent of the School has issued proceedings dated: 05.12.2003 cancelling the appointment of Smt. D.Suryakala Mukhi.

3. In W.P.No.25637 of 2003 filed by Smt. D.Suryakal Mukhi, the Hon'ble High Court of Andhra Pradesh has observed and made the following order dated: 25.03.2009 that,-

“As could be noticed from the above facts which are not in dispute, the petitioner's appointment was cancelled by the District Educational Officer by order dated: 13.11.2003 on the ground that as per the orders of the Commissioner and Director of School Education, dated: 19.09.2002 the petitioner who obtained Hindi Sikshak Certificate from Parlakhemundi Institution in Orissa State is not eligible for appointment as Hindi Pandit Gr.II. Admittedly no notice was issued to the petitioner before passing the said order and the proceedings of the District Educational Officer dated: 13.11.2003 were not even communicated to the petitioner. Even in the consequential order passed by the 5th respondent, the said fact was not informed to the petitioner.

In the circumstances, the impugned order being in violation of the principles of natural justice is liable to be set aside on that ground alone.

It is also relevant to note that during the pendency of this Writ Petition G.O.Ms.No.111, Education (SE.Ser.VI) Department dated: 28.11.2007 was issued with regard to consideration of the candidates of DSC-2002 who obtained Hindi Sikshak Prasikshan Certificate from Hindi Prachara Sabha, Hyderabad from the centers located in Karnataka and Orissa States. In the said order, it was clear that the Director of School Education, Hyderabad was permitted to appoint 429 candidates of DSC-2002 as Hindi Pandits Grade-I and Grade-II duly considering the Hindi Sikshak Prasikshan Certificates obtained prior to 16.04.2002 in respect of the students who pursued the course in Parlakhemundi Institution in Orissa State subject to the eligibility i.e., the merit of the applicants and other candidates as per Rules and also as per the provisions contained in G.O.Rt.No.126, Education (SE.Ser.VII) Department, dated: 25.02.2006.

In the case on hand, the petitioner claims that she obtained certificate from Hindi Sikshak Certificate in the year 2001 i.e., much prior to the cut off date mentioned in G.O.Ms.No.111 Education (SE.Ser. VI) Department dated: 28.11.2007.

In the circumstances, it is necessary to reconsider the issue relating to the eligibility of the petitioner in the light of the subsequent orders issued by the Government in G.O.Ms.No.111 Education (SE.Ser.VI) Department dated: 28.11.2007.

Accordingly, the impugned order dated: 05.12.2003 passed by the 5th Respondent as well as the order dated: 13.11.2003 passed by the District Educational Officer are hereby set aside and the Writ Petition is allowed with a direction to the District Educational Officer to reconsider the issue with regard to the eligibility of the petitioner for appointment to the post of Hindi Pandit Grade-II and pass appropriate orders afresh in accordance with law. If for any reason, the District Educational Officer is of the opinion that the petitioner is not eligible for appointment, notice shall be given to the petitioner affording her an opportunity to make her representation against the proposed action.

Now that the impugned orders are set aside, there shall also be a direction to the District Educational Officer to allow the claims made by the 5th Respondent management for payment of salary to which the petitioner is entitled to."

4. While disposing off the another W.P.No.26456 of 2003 filed by the above said applicant, the Hon'ble High Court made the following order dated: 25.03.2009,-

"In view of the order passed today i.e., 25.03.2009 in W.P.No.25637/2003 setting aside the impugned order dated: 05.12.2003 as well as the order dated: 13.11.2003 passed by the District Educational Officer, no further enquiry is necessary in this Writ Petition."

5. In G.O.Ms.No.111, Education (SE.Ser.VI) Department, dated: 28.11.2007, Government issued order for DSC-2002 candidates that permitting the Director of School Education, Hyderabad to appoint 429 candidates of DSC-2002 as Hindi Pandits Grade-I and Grade-II duly considering the Hindi Sikshak Prasikshan Certificates obtained prior to 30.12.2002 in respect of the students who pursued the course in Karnataka Centers and prior to 16.04.2002 in respect of the students who pursued the course in Sri Gajapathi Hindi Sikshak Prasikshan Mahavidyalay, Paralakhemundi, Orissa Center, subject to the eligibility i.e., merit of the applicants and other conditions as per the rules and also as per the provisions contained in G.O.Rt.No.126, Education (SE.Ser.VII) Department, dated: 25.02.2006. The above said orders were applied to the candidates who appeared for DSC-2002 only.

6. In the instant case, the petitioner's appointment was cancelled by the District Educational Officer by order dated: 13.11.2003 on the ground that as per the orders of the Commissioner & Director of School Education, dated: 10.09.2002, the petitioner who obtained Hindi Sikshak Certificate from Parlakhemundi Institution in Orissa State is not eligible for appointment as Hindi Pandit Grade-II.

7. The orders issued by the District Educational Officer dated: 13.11.2003 are set aside by the Hon'ble High Court of Andhra Pradesh and the case of the petitioner was examined keeping in view of the orders issued in G.O.Ms.No.111 Education (SE.Ser.VI) Department, dated: 28.11.2007 for the candidates of DSC-2002 as referred to above, as the petitioner Smt. D.Suryakala Mukhi obtained Hindi Sikshak Certificate from

Parlakhemundi Institution in Orissa State in the year 2001 i.e., much prior to the cut off date: 16.04.2002.

8. Government, after careful examination of the proposals of the Commissioner & Director of School Education, A.P., Hyderabad keeping in view of the orders of Hon'ble High Court, dated: 25.03.2009 in W.P.No.25637/2003 filed by Smt.D.Suryakala Mukhi hereby permit the Commissioner and Director of School Education, A.P., Hyderabad for extending the benefit of G.O.Ms.No.111 Education (SE.Ser.VI) Department, dated: 28.11.2007 to Smt. D.Suryakala Mukhi for her appointment as Hindi Pandit Gr.II at S.V.U.P.School, Alluripet, Allur Mandal, Nellore District who obtained the Hindi Shikshak Prasikshan Certificates, Parlakamidi, Orissa State w.e.f. 23.07.2003 i.e., from the date of her joining at SVUP School, Alluripet, Allur, Nellore district.

9. The Commissioner & Director of School Education, A.P., Hyderabad shall take further necessary action in the matter.

10. This order issues with the concurrence of Finance (ESE) Department vide their U.O.No.12518/200/Expr.S.E/2010, dated: 12.05.2010

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R.BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT I/c

To

The Commissioner & Director of School Education, A.P., Hyderabad
The Regional Joint Director of School Education, Guntur
The District Educational Officer, Nellore
The District Treasury Officer, Nellore
The Accountant General, A.P., Hyderabad
The Correspondent, S.V.U.P. School, Alluripet, Allur Mandal, Nellore District
Copy to the PS to Hon'ble M(SE)
Sc/sf

// FORWARDED :: BY ORDER//

SECTION OFFICER